

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Michael Gabrio,

Civil No. 13cv03118 PJS/JJK

Petitioner,

v.

ORDER

Lucinda Jesson,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated November 19, 2013. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records and proceedings herein, the Court now makes and enters the following Order.

IT IS HEREBY ORDERED that:

1. Petitioner's application for a writ of habeas corpus, (Docket No. 1), is **DENIED**;

2. This action is **DISMISSED**; and

3. Petitioner will **NOT** be granted a Certificate of Appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: 12/6/13

s/Patrick J. Schiltz

PATRICK J. SCHILTZ
United States District Judge